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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte EDELBERT KONIG

Appeal 2009-010997
Application 09/981,847
Technology Center 2400

Before JOSEPH F. RUGGIERO, MAHSHID D. SAADAT,
and ELENI MANTIS MERCADER, *Administrative Patent Judges*.

SAADAT, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant appeals under 35 U.S.C. § 134(a) from a final rejection of claims 1 and 3-13. Claim 2 has been canceled. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

STATEMENT OF THE CASE

Introduction

Appellant's invention relates to a method of transmitting data between a first and a second computing unit using a determined communications protocol (*see* Spec. 2:2-18). Claim 1, which is illustrative of the invention, reads as follows:

1. A method for establishing a data connection and for transmitting data from a first computing unit to a second computing unit, which comprises:

in the first computing unit, selecting and reading out from a database, in a selection program, an address of the second computing unit controlling a printing unit;

establishing a connection with the address of the second computing unit; initially performing a version comparison between the first and the second computing units with respect to an employed communications protocol;

after the communications protocol is determined, establishing a data connection for transmitting data;

displaying a specified number of diagnostic programs stored in the second computing unit after the data connection is established;

selecting and starting one of the diagnostic programs via the first computing unit; and

transmitting results of the one diagnostic program to the first computing unit.

The Examiner's Rejections

The Examiner relies on the following prior art in rejecting the claims:

Waite	US 4,688,170	Aug. 18, 1987
Kraslavsky	US 5,537,626	Jul. 16, 1996
Sridhar	US 6,098,108	Aug. 1, 2000
Collin	WO 00/49501	Aug. 24, 2000

Official Notice taken by the Examiner that outputting data in parallel and transmitting data serially in data packets would have been known and obvious.

Claims 1, 3-7, and 10-12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sridhar, Collin, and Waite.

Claims 8 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sridhar, Collin, Waite, and the Official Notice.

Claim 13 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Sridhar, Collin, Waite, and Kraslavsky.

Appellant's Contentions

With respect to claims 1 and 12, Appellant does not dispute the teachings of Sridhar and Waite and merely challenges the teachings of Collin (Br. 7-10). Appellant specifically asserts that the servers shown in figures 1 and 2 and described in pages 7-9 of Collin correspond to applications within the same computer system and do not meet the claimed first and second computing units (Br. 7-14). Appellant presents general arguments with respect to the remaining applied prior art and asserts that the applied prior art references do not teach all the claimed features (Br. 11).

With respect to the dependent claims, Appellant relies on their dependency upon claim 1 to argue their patentability (Br. 17).

ISSUE

Has the Examiner erred in rejecting the claims as being obvious over Sridhar, Collin, and Waite because the references do not teach or suggest the first and the second computing units, as recited in claims 1 and 12?

ANALYSIS

We have reviewed the Examiner's rejections in light of Appellant's numerous arguments (Br. 7-16) that the Examiner has erred.

We disagree with Appellant's conclusions. We adopt as our own (1) the findings and reasons set forth by the Examiner in the action from which this appeal is taken and (2) the reasons set forth by the Examiner in the Examiner's Answer in response to Appellant's Appeal Brief (Ans. 13-21). We concur with the conclusions reached by the Examiner.

In particular, we agree with the Examiner's Findings and reasoning (Ans. 14) that Collin teaches a first computing unit (i.e., in Figure 2, modem system 202) and a second computing system (i.e., in Figure 2, message server 208 and signal server 210).

CONCLUSION

On the record before us, we conclude that, because the references teach or suggest all the claim limitations, the Examiner has not erred in rejecting the claims under 35 U.S.C. § 103(a). Therefore, we sustain the rejection of claims 1 and 12, and of claims 3-11 and 13 falling with claim 1.

DECISION

The decision of the Examiner rejecting claims 1 and 3-13 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

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